



CITY OF SIOUX FALLS

CITY COUNCIL

MINUTES

City Council Meeting

Tuesday, March 8, 2022 at 6:00 PM

Carnegie Town Hall, 235 West 10th St., Sioux Falls, South Dakota 57104

CALL TO ORDER

1. MEETING ROLL CALL

Present: Council Member Alex Jensen, Council Member Greg Neitzert, Council Member Marshall Selberg, Council Member Curt Soehl, Council Member Pat Starr, Council Member Janet Brekke, Mayor Paul TenHaken

Absent: Council Member Rick Kiley, Council Member Christine M. Erickson

2. INVOCATION

- Samantha Sjaarda, Campus Pastor Resident, The Ransom Church

3. PLEDGE OF ALLEGIANCE

Mayor Paul TenHaken recognized Boy Scout Troop 152 and Cub Scout Troop Pack 3 who were in the audience.

CONSENT AGENDA

4. APPROVAL OF THE CONSENT AGENDA

A motion was made by Council Member Selberg and seconded by Council Member Jensen to approve the Consent Agenda.

Roll call vote to approve. 6 Yes: Jensen, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

5. APPROVAL OF MINUTES

- Informational Meeting of Tuesday, March 1, 2022
- Regular City Council Meeting of Tuesday, March 1, 2022

COMMUNICATIONS

6. Approval of contracts/agreements on the memorandum dated March 4, 2022.

7. Notice of change orders on the memorandum dated March 4, 2022.
8. Report of Requests for Quotes for Fuel dated: February 25, 2022: Unleaded (8,500 Gallons). The City of Sioux Falls is purchasing off the State of South Dakota Fuels, Tankwagon Contract Number 17572, the awarded contractor is Vollan Oil, price paid is Unleaded \$2.9486.
9. Report of Requests for Quotes for Fuel dated: March 1, 2022; Unleaded E10 (2,500 Gallons), Dyed Diesel #1 (2,750 Gallons), Dyed Diesel #2 (2,750 Gallons), DEF (670 Gallons); Cole's Petroleum Unleaded E10 (\$2.9540), Dyed Diesel #1 (\$3.2415), Dyed Diesel #2 (\$3.0035); Harms Oil and Farstad Oil no bid. No bids received for DEF. Bid awarded to: Cole's Petroleum.

APPLICATIONS

The City Council concurs with the Minnehaha County Commission's recommendation for approval of the following abatements:

10. Parcel #43878, for 2019 property taxes in the amount of \$1,528.57. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
11. Parcel #43878, for 2020 property taxes in the amount of \$1,591.14. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
12. Parcel #43878, for 2021 property taxes in the amount of \$1,716.42. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
13. Parcel #30688, for 2021 property taxes in the amount of \$2,223.33. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
14. Parcel #39338, for 2021 property taxes in the amount of \$1,895.76. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
15. Parcel #41715, for 2021 property taxes in the amount of \$1,675.09. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
16. Parcel #42606, for 2021 property taxes in the amount of \$1,120.80. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
17. Parcel #50198, for 2021 property taxes in the amount of \$2,223.32. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
18. Parcel #50653, for 2021 property taxes in the amount of \$1,303.53. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
19. Parcel #52851, for 2021 property taxes in the amount of \$2,034.50. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).

20. Parcel #55779, for 2021 property taxes in the amount of \$1,863.94. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
21. Parcel #59531, for 2021 property taxes in the amount of \$2,223.34. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
22. Parcel #68296, for 2021 property taxes in the amount of \$596.08. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
23. Parcel #69116, for 2021 property taxes in the amount of \$931.98. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
24. Parcel #70583, for 2021 property taxes in the amount of \$2,034.49. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
25. Parcel #72762, for 2021 property taxes in the amount of \$2,223.33. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
26. Parcel #83540, for 2021 property taxes in the amount of \$2,223.33. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
27. Parcel #85719, for 2021 property taxes in the amount of \$619.29. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
28. Parcel #88257, for 2021 property taxes in the amount of \$2,223.32. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
29. Parcel #89370, for 2021 property taxes in the amount of \$931.97. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
30. Parcel #36362, for 2021 property taxes in the amount of \$2,223.32. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
31. Parcel #52067, for 2021 property taxes in the amount of \$2,223.33. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
32. Betty W. Gorter, 1305 E. 26th St., Parcel #45822, for 2021 property taxes in the amount of \$410.65. Reason: Assessment Freeze for the Elderly and Disabled.
33. City of Sioux Falls, Tract 1 Cherry Creek Trail Addition, Parcel #95820, for 2021 property taxes in the amount of \$178.62. Reason: The property is exempt from the tax.
34. City of Sioux Falls, Tract 2 Cherry Creek Trail Addition, Parcel #95821, for 2021 property taxes in the amount of \$93.70. Reason: The property is exempt from the tax.
35. City of Sioux Falls, Tract 3 Cherry Creek Trail Addition, Parcel #95822, for 2021 property taxes in the amount of \$392.05. Reason: The property is exempt from the tax.

The City Council concurs with the Lincoln County Commission's recommendation for approval of the following abatements:

36. Brittany and Ross Trujillo, 4417 W. Mills St., Parcel #281.94.08.028, for 2021 property taxes in the amount of \$1,061.44. Reason: Owner occupied should have been applied to the 2021 assessment year.

REGULAR AGENDA

37. APPROVAL OF THE REGULAR AGENDA

A motion was made by Council Member Jensen and seconded by Council Member Soehl to approve the Regular Agenda.

Roll call vote to approve. 6 Yes: Jensen, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

INTRODUCTION AND ADOPTION OF ORDINANCES

ORDINANCE SECOND READINGS

38. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING AMENDMENT NO. 1 TO MONOPOLE LEASE AGREEMENT NO. 16-3391.

Sponsor: Mayor

A motion was made by Council Member Jensen and seconded by Council Member Neitzert to adopt Ordinance No. 34-22.

Roll call vote to adopt. 6 Yes: Jensen, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

39. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING AMENDMENT NO. 1 TO WATER TANK LEASE AGREEMENT NO. 16-3392.

Sponsor: Mayor

A motion was made by Council Member Selberg and seconded by Council Member Jensen to adopt Ordinance No. 35-22.

Roll call vote to adopt. 6 Yes: Jensen, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

40. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING AN AGREEMENT RELATED TO TERMINATION OF WATER TANK LEASE AGREEMENT NO. 16-3393.

Sponsor: Mayor

A motion was made by Council Member Jensen and seconded by Council Member Soehl to adopt Ordinance No. 36-22.

Roll call vote to adopt. 6 Yes: Jensen, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

41. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 111: ALCOHOLIC BEVERAGES.

Sponsor: Mayor

A motion was made by Council Member Soehl and seconded by Council Member Jensen to defer Item 41 to the City Council Meeting of Tuesday, April 5, 2022.

Roll call vote to defer. 6 Yes: Jensen, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

ORDINANCE FIRST READINGS

42. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING PERMANENT EASEMENTS.

Recommendation: Set a date of 2nd Reading for Tuesday, March 15, 2022.

Private Applicant(s): Cherapa II QOZB, LLC

A motion was made by Council Member Neitzert and seconded by Council Member Jensen to set a date of 2nd Reading for Tuesday, March 15, 2022 for Item 42.

Roll call vote to set a date of 2nd Reading. 6 Yes: Jensen, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

43. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS TO SUPPORT CONSTRUCTION AND OPERATION OF THE DAKOTA STATE UNIVERSITY APPLIED CYBER RESEARCH LAB LOCATED IN THE SIOUX FALLS CYBER INNOVATION PARK IN THE CITY OF SIOUX FALLS. (\$10M)

Recommendation: Set a date of 2nd Reading for Tuesday, March 15, 2022.

Sponsor: Mayor

Mayor Paul TenHaken passed the gavel to Council Chair Curt Soehl at this time.

A motion was made by Council Member Brekke and seconded by Council Member Jensen to set a date of 2nd Reading for Tuesday, March 15, 2022 for Item 43.

Roll call vote to set a date of 2nd Reading. 6 Yes: Jensen, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

Council Chair Curt Soehl returned the gavel to Mayor Paul TenHaken at this time.

44. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 30: CITY COUNCIL, SECTION 30.022 ORDINANCES, RESOLUTIONS, MOTIONS, AND OTHER DOCUMENTS REQUIRING COUNCIL APPROVAL BY DEFINING "SUBSTANTIALLY ALTERS" IN SDCL 9-19-7.1.

Recommendation: Set a date of 2nd Reading for Tuesday, March 15, 2022.
Sponsors: Council Members Brekke and Starr

A motion was made by Council Member Brekke and seconded by Council Member Starr to set a date of 2nd Reading for Tuesday, March 15, 2022 for Item 44.

Roll call vote to set a date of 2nd Reading. 6 Yes: Jensen, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

45. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 30: ORDINANCES, RESOLUTIONS, MOTIONS AND OTHER DOCUMENTS REQUIRING COUNCIL APPROVAL BY ESTABLISHING A MEANS FOR A CITY ATTORNEY OFFICIAL OPINION AND MEMORANDUM OF LEGAL ADVICE.
Recommendation: Set a date of 2nd Reading for Tuesday, March 15, 2022.
Sponsors: Council Members Brekke and Starr

A motion was made by Council Member Brekke and seconded by Council Member Starr to set a date of 2nd Reading for Tuesday, March 15, 2022 for Item 45.

Roll call vote to set a date of 2nd Reading. 6 Yes: Jensen, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

HEARINGS AND RESOLUTIONS

46. A RESOLUTION VACATING WEST GLACIER BAY TRAIL FROM THE EAST RIGHT-OF-WAY LINE OF WEST YUKON TRAIL TO THE WEST PROPERTY LINE OF LOT 15 IN BLOCK 11 OF HAZELTINE ADDITION, AN ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA, AS SHOWN ON EXHIBIT A.
Private Applicant(s): Hazeltine Partners LLP

A motion was made by Council Member Soehl and seconded by Council Member Neitzert to adopt Resolution No. 23-22.

A motion was made by Council Member Soehl and seconded by Council Member Jensen to amend by inserting "and subject to an easement reserved by the City of Sioux Falls in, over, and upon such vacated property as shown on the Exhibit for drainage, sewer, water and gas mains, electric, telephone lines, cable TV, and all public utility uses required or authorized by the City of Sioux Falls," between "vacated" and "and" in the last paragraph.

Roll call vote to amend. 6 Yes: Jensen, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

Roll call vote to adopt, as amended. 6 Yes: Jensen, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

RESOLUTION NO. 23-22

A RESOLUTION VACATING WEST GLACIER BAY TRAIL, FROM THE EAST RIGHT-OF-WAY LINE OF WEST YUKON TRAIL TO THE WEST PROPERTY LINE OF LOT 15 IN BLOCK 11 OF HAZELTINE ADDITION, AN ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA, AS SHOWN ON EXHIBIT A.

WHEREAS, a petition to vacate city right-of-way has been filed by the owners of the following described property:

Lot 15 in Block 11 of Hazeltine Addition, an addition to the City of Sioux Falls, Minnehaha County, South Dakota

Lot 17 in Block 11 of Hazeltine Addition, an addition to the City of Sioux Falls, Minnehaha County, South Dakota

Lot 1A in Block 11 of Hazeltine Addition, an addition to the City of Sioux Falls, Minnehaha County, South Dakota

WHEREAS, the hearing was held on March 8, 2022, and the petition has been duly examined and investigated by the City Council of the City of Sioux Falls. Testimony of said petition has been heard. Said property, as shown upon the plats attached to and made a part of said petition, has been used as a street, alley, or public ground but no longer serves a useful public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the Glacier Bay Trail right-of-way as shown on Exhibit A, be and the same hereby is declared vacated, and subject to an easement reserved by the City of Sioux Falls in, over, and upon such vacated property as shown on the Exhibit for drainage, sewer, water and gas mains, electric, telephone lines, cable TV, and all public utility uses required or authorized by the City of Sioux Falls, and that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 03/08/22 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

47. A RESOLUTION APPROVING THE RELEASE OF A PERMANENT DRAINAGE EASEMENT LOCATED IN LOT 1, PRAIRIE CREEK ADDITION, AN ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN COUNTY, SD.

Sponsor: Mayor

A motion was made by Council Member Selberg and seconded by Council Member Jensen to adopt Resolution No. 24-22.

Roll call vote to adopt. 6 Yes: Jensen, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

RESOLUTION NO. 24-22

A RESOLUTION APPROVING THE RELEASE OF A PERMANENT DRAINAGE EASEMENT LOCATED IN LOT 1, PRAIRIE CREEK ADDITION, AN ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs the permanent drainage easement area across the above-described real property, as shown on Exhibit A. Signed approvals from all public and private utilities are on file with the office of the City Engineer; and

WHEREAS, the permanent drainage easement was established by plat and filed in Book Q of Plats on page 53 in the office of the Register of Deeds for Lincoln County, SD, on July 3, 1997;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That it approves the release of the permanent drainage easement area, as shown on attached Exhibit A, and affecting the real property described as Lot 1, Prairie Creek Addition, an Addition to the City of Sioux Falls, Lincoln County, SD, and that the City Clerk shall cause to be recorded with the Register of Deeds, Lincoln County, SD, a duly certified transcript of this resolution.

Date adopted: 03/08/22 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

NEW BUSINESS

There was none.

GENERAL PUBLIC INPUT

Dennis Haugan spoke about the success of the City Council and recommend some newsletters and books for them to read.

Catherine Riffle spoke about concerns for the country, bad decisions being made by government leaders, and items that she agrees with from campaign literature.

Sierra Broussard spoke about items related to the police department.

Chester Deyoung spoke about engineering, zoning and Grant Street.

Steven Siano spoke about issues surrounding COVID.

ADJOURNMENT

A motion was made by Council Member Brekke and seconded by Council Member Jensen to adjourn at 7:32 p.m.

Voice vote to adjourn. 6 Yes: Jensen, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**


Denise D. Tucker, MMC, Assistant City Clerk